APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,306	09/12/2003	Fernando Hissashi Nobumoto	9024.1012	7837

			EXAMINER
21831	7590	05/02/2006	AL HASHEMI, SANA A

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ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2003*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to application filed 9/12/03.

2.   Claims 1-12 are pending.

Specification

Applicant is required to review the claims to meet the requirement according the MPEP as stated below:

(a)   IN GENERAL. —

(1)   WRITTEN APPLICATION. —An application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Director. (2)   CONTENTS. —Such application shall include — (A)   a specification as prescribed by section 112 of this title; (B)   a drawing as prescribed by section 113 of this title; and (C)   an oath by the applicant as prescribed by section 115 of this title. (3)   FEE AND OATH. —The application must be accompanied by the fee required by law. The fee and oath may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. (4)   FAILURE TO SUBMIT. —Upon failure to submit the fee and oath within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the fee and oath was unavoidable or unintentional. The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

(b)   PROVISIONAL APPLICATION. —

(1) AUTHORIZATION. —A provisional application for patent shall be made or

authorized to be made by the inventor, except as otherwise provided in this title, in writing to the

Director. Such application shall include — (A)   a specification as prescribed by the first

paragraph of section 112 of this title; and (B)   a drawing as prescribed by section 113 of this

title.

(2) CLAIM. —A claim, as required by the second through fifth paragraphs of section

112, shall not be required in a provisional application.

(3) FEE. —

(A)   The application must be accompanied by the fee required by law.

(B)   The fee may be submitted after the specification and any required drawing are

submitted, within such period and under such conditions, including the payment of a surcharge,

as may be prescribed by the Director.

(C)   Upon failure to submit the fee within such prescribed period, the application shall

be regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in

submitting the fee was unavoidable or unintentional.

(4) FILING DATE. —The filing date of a provisional application shall be the date on

which the specification and any required drawing are received in the Patent and Trademark

Office.

35 U.S.C. 112 Specification.

The specification shall contain a written description of the invention, and of the manner

and process of making and using it, in such full, clear, concise, and exact terms as to enable any

person skilled in the art to which it pertains, or with which it is most nearly connected, to make

and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

A claim may be written in independent or, if the nature of the case admits, in dependent or multiple dependent form.

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

A claim in multiple dependent form shall contain a reference, in the alternative only, to more than one claim previously set forth and then specify a further limitation of the subject matter claimed. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of the particular claim in relation to which it is being considered.

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. (Amended July 24, 1965, Public Law 89-83, sec. 9, 79 Stat. 261; Nov. 14, 1975, Public Law 94-131, sec. 7, 89 Stat. 691.)

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claims 1-8 provides for the use of music digitalization, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 1-12, recite phrase "maybe" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Correction is required.

Claims 1-12 recite the limitation "the bar code" in claim 1. There is insufficient antecedent basis for this limitation in the claim. Correction is required.

The term "if" in claims 1-12 is a relative term which renders the claim indefinite. The term "if" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It's unclear to the examiner since the "if" is relative term.

Claims 1-12 recite parentheses which render the claims indefinite since it's unclear to the examiner if what is between the parentheses are included or excluded from the claimed invention. Correction is required.

The term "not immediately" in claim 9 is a relative term which renders the claim indefinite. The term " not immediately " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Correction is required.

Claims 9-12 recite a period after each number (e.g. i.) need to be corrected since the period should be at the end of the claim and it can be replaced with parentheses (e.g. (i)).

Allowable Subject Matter

Claims 1-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: Regarding independent claim 1, the prior art of record fails to teach, disclose or suggest the teaching of equipment for music digitalization, storage, access and listening, comprising: a digital music server, a music digitizing station, and a variable and convenient number of listening stations, the listening stations being interlinked to the server and to the digitizing station through a local network, said digital music server being a microcomputer including a large capacity hard disk for storing the digitized songs, and to centralize, in a database, all of the information in the digitized CDs, wherein the server is provided with a control software that allows to control the entire operation of the listening stations, through commands and messages defined between the server and the listening stations, which control software embodies a function that allows certain listening stations, on a configurable basis, to reproduce only particular CDs; said server being

also provided with a local server maintenance software that allows the deletion of CDs or song

files corresponding to the digitized tracks, the updating of data related to CDs in the database, the

listing of digitized CDs, the generation of a summary of the changes made during a certain

period of dates for similar systems in other locations be capable of being updated, the updating

of the local system through changes made in a system of other location, the listing of the statistic

of access to CDs by the listening stations, so that it's possible to know which were the more

accessed tracks or CDs during a period of dates, or to know which were the more used listening

stations, and to obtain the automatic system update through an autoexec CD-R containing CDs

input and output data and the respective song files; it is further provided a central or remote

server with a large capacity hard disk also destined to store the digitized music, and to centralize,

in a database, all of the information in the digitized CDs, and said central or remote server that is

accessible by local servers and by digitizing stations, via WAN (wide area network) or via

Internet ; the local server being provided with a download software that brings, from the central

or remote server, the information in the CD and its song files, for CDs not existing in the local

server, and which have been requested for listening at the listening stations, said software

enabling also the search in said central or remote server, in a preset time, of all CDs the bar code

of which are enrolled in a list available at the local server; said local server being provided with a

program for updating statistic data using a statistic upload software, the function of which is to

input the statistic data of the listening stations usage, collected and stored in the local server, in

the central or remote server, which software automatically sends the statistic data to the central

or remote server in a preset time, provided that data already sent in previous times shall not be

sent any longer and discharged from the local server; the digitizing station is also provided with a

program for updating the data using upload software, which enables to update the central or

remote server with the information and song files in CDs digitized and recorded in the local

server or in the very digitizing station, which software allows the immediate updating, as soon as

a CD is digitized, or the updating in a preset time, including also the option to check whether a

CD is already present in the central or remote server, and by then, to not carry out the updating,

or to update regardless such a fact; the digitizing station is also provided with a central or remote

server maintenance software, in a manner analog to the local server maintenance software

embodied in the local server; the listening station is a hardware apparatus that requires, for it to

work, only a firmware microcontroller program that controls the hardware resources, and that

communicates with the server program, and is formed by the modules A, B, C, and D, where the

module A consists of an interface for keyboard and display, where the keyboard and the LCD are

connected, a serial interface, where the bar code reader is connected, a microcontroller that is the

processing unit that executes the instructions of the firmware contained in the internal flash

memory, an local network interface, where the Ethernet local network, is connected and the

RAM used by the firmware as a data area; the module B consists of a keyboard, LCD, bar code

reader, and an earphone, and forming an independent physical module, because it is in direct

contact with the user; the module C consists of an audio decoder, a digital/analog (D/A)

converter, and an amplifying circuit for stereo audio output, the earphone of module B being

connected to that module C; the module D being a power supply that provides the required

voltages to modules A, B, and C, and has a power supply cable, in conjunction with remaining

claim provisions, is not taught or suggested, or rendered obvious over the prior art of record or

that encountered in searching the invention.

The dependent claims 2-8 being further limiting to the independent claims, definite and

enabled by the Specification are also allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claim 9, the prior art of record fails to teach, disclose or suggest the

process for music digitalization, storage, access and listening, the process for controlling

listening stations executed by a program of a program controlled apparatus comprising the steps

of i) waiting for a connection request from one of the a listening stations; ii) requesting

acceptance and establishment of a connection between the server and the listening station; iii)

sending of commands "remove cursor", "clean display", "enable the keyboard" and "light up the

display" to the listening station; iv) sending a command to the listening station for showing the

message "Read the bar code" on the display; v) waiting for the bar code sent by the listening

station; vi) sending, upon the receipt of the bar code, a command for showing the message

"Wait" on the display; vii) checking whether the CD the bar code of which was received exists in

the local server; viii) sending the message "CD not registered" to the listening station when the

CD the bar code which was received does not exist in the local server; ix) checking whether the

CD should be searched in the central or remote server, if no, the flow comes back to the sending

step of step iv., where the message "Read the bar code" is sent; x) checking whether the CD

should be searched in the central or remote server, if yes, then checking whether the CD should

be immediately brought from the central or remote server; xi) saving the information in the CD,

if CD is not immediately brought from the central or remote server, in a list of CDs to be brought

by the download software in a preset time, and the flow returns to the sending step of step iv; xii)

if the CD has to be immediately brought from the central or remote server, then sending an

advice, together with the required information to the download software for it to search the CD

in the central or remote server, after which the flow proceeds in the sending step of step iv); xiii)

if the CD the bar code exists in the local server, then accessing the database and obtaining all

information associated to the bar code received; xiv) sending the command for adjusting the

sound volume and, at the same time, showing the message formed by artist, track number,

elapsed reproduction time, and the volume value on the display; xv) obtaining a song file and

sending a command for storing the first block with that aggregated block and, at the same time,

to start song reproduction (play); xvi) waiting for the message request for the next block sent by

the listening station; xvii) upon the receipt of such a message, checking the existence of a next

song block to be sent: xviii) if next song block to be sent exists, then sending the command for

storing the aggregated song block and returning to the waiting step of step xvi); xix) if the next

song block to be sent does not exist, then sending the command "no more song blocks"; xx)

waiting for some asynchronous message from the listening station xxi) receiving an

asynchronous message, and checking whether it is a "bar code"; xxii) if asynchronous message is

a "bar code", then sending a command for stopping song reproduction and to returning to the

sending step of step vi; xxiii) if the asynchronous message is not a "bar code", then checking

whether it is "song end" and, if yes, then returning to the sending step of step iv; xxiv) if the

message is not "song end", then checking whether the same is "stop"; xxv) if message is "stop",

then sending the command for stopping song reproduction and returning to the sending step of

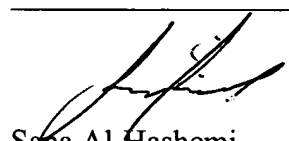step iv; xxvi) if the message is not "stop", then checking whether the same is "next track" or

"previous track"; xxvii) if the message is "next track" or "previous track", then sending the

command for stopping song reproduction; xxviii) sending the command for showing the artist,

the number of the track corresponding to the next track or the previous track, the elapsed

reproduction time and the volume value on the display, and return to the obtaining step of step

xv; xxix) if the message is not "next track" or "previous track", then checking whether the same

is "volume+" or "volume-"; xxx. if the message is "volume+" or "volume-", then sending the

command for adjusting the new volume value, increasing if "volume+" or decreasing if "volume-

" and, at the same time, showing that value on the display; xxxi) if the message is not "volume+"

or "volume-", then checking whether the asynchronous message is a request for updating the

elapsed reproduction time; xxxii) if the asynchronous message is a request for updating the

elapsed reproduction time, then sending the command for showing the updated elapsed time

which value to be aggregated to the command on the display, or, if not, then returning to the

waiting step of step xx, in conjunction with remaining claim provisions, is not taught or

suggested, or rendered obvious over the prior art of record or that encountered in searching the

invention.

The dependent claims 10-12 being further limiting to the independent claims, definite and

enabled by the Specification are also allowed.

Points of Contact

Any inquiry concerning this communication or earlier communications from the

'examiner should be directed to: Sana Al-Hashemi whose telephone number is 571-272-4013.

The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles

Rones, can be reached on 571-272-4085. Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone

number (703) 872-9306. For formal or draft communications, please label "PROSPOSED" or

"DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive,

6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
April 20, 2006